IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2869 of 1996

Between:

1 Mookara Gopaiah S/o. Nagaiah
R/o. Kondrupadu (V), Penuballi Mandal, Khammam District.
2 Mookara Tirupataiah S/o. Nagaiah
R/o. Kondrupadu (V), Penuballi Mandal, Khammam District.
3 Mookara Ramulu S/o. Nagaiah
R/o. Kondrupadu (V), Penuballi Mandal, Khammam District.

..... PETITIONERS

AND

1 The District Collector,
Khammam.
2 The Revenue Divisional Officer,
Khammam
3 The Mandal Revenue Officer, Penuballi Mandal,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly a writ in the nature of Mandamus, declaring the action of the respondents in trying to evict the Petitioners from their land to an extent of Ac.2-00 in Sy.No. 387 of Kondrupadu (V), Penuballi Mandal, Khammam District, and assign the same in favour of Telugu Desam Party workers as beneficiaries, as totally illegal, without jurisdiction and violative of Articles 14,21 and 300-A of the Constitution of India and consequently direct the respondents to regularise the possession and enjoyment of the Petitioners in accordance with law in the light of the Government orders issued from time to time.

Counsel for the Petitioners: MR.S.LAKSHMA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed, seeking writ of Mandamus, to declare the action of the respondents in taking steps to evict the petitioners from the land admeasuring Ac.2-00 cents in Sy.No.387 of Kondrupadu Village, Penuballi Mandal, Khammam District, as illegal and arbitrary.

As stated in the affidavit, filed in support of the writ petition, it is the case of the petitioners that they are in possession of the land in question from the last several years, and are cultivating the said land and the income from the said land is the only source of their livelihood.

The present writ petition is filed on the apprehension that steps are being taken to evict the petitioner without initiating any proceedings for eviction so as to assign the same to the third parties.

In the counter-affidavit filed on behalf of the respondents it is stated that no steps have been initiated to evict the petitioners from the land in question.

In view of the averments made in the counter-affidavit, I dispose of the writ petition directing the respondents not to evict the petitioners from the land in question as otherwise under due process of law. No order as to costs.

R.SUBHASH REDDY, J

31.12.2004

dr

To

1 The District Collector,
Khammam District, Khammam.
2 The Revenue Divisional Officer,
Khammam, Khammam District.
3 The Mandal Revenue Officer, Penuballi Mandal,
Khammam District.

4 2CCs to Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

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